

**Report of the  
Task Force on Solid Waste Landfills  
to the  
Joint Standing Committee on Natural Resources  
117th Legislature**

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State Planning Office State House station 38 (207) 287-3261 Report of the Task Force on  
Solid Waste Landfills to the Joint Standing Committee on Natural Resources  
of the 117th Legislature

The State Planning Office ("SPO") submits this Report to the Joint Standing Committee on Natural Resources of the 117th Legislature, as required by P.L. 465. A copy of the law is in Appendix A. SPO convened a Task Force to address three issues set out in the law:

1. Provide a status report on the development of the special waste landfill on Carpenter Ridge in T2 R8, and recommend state policy on how and when to operate this landfill.
2. Make recommendations on any changes needed to the current state policy that prohibits new commercial landfills.
3. Provide information on the amount of solid waste that is imported and exported to the State, and on current developments in federal law that addresses interstate transport of solid waste.

## **I. Carpenter Ridge Special Waste Landfill**

### **Background**

38 MRSA § 2154 et seq. gave authority to the Maine Waste Management Agency (MWMA) to locate, develop and operate waste disposal facilities. This authority was later transferred to the State Planning Office in 1995 when the MWMA was dismantled (P.L. 465).

The MWMA identified a possible future need for special waste disposal capacity based on factors including:

A statutory ban on new commercial disposal facilities (38 MRSA § 1310-X).

The two existing commercial landfills will become filled over time.

Federal law does not allow Maine to control imports of out-of-state waste to the existing facilities, thus making it difficult to predict the life of existing capacity.

Possible changes to the federal law may prevent Maine from exporting waste to other states at a reasonable cost.

Concerns that sufficient affordable disposal capacity be available to Maine's municipalities and businesses as part of its economic support structure.

The lack of capacity that can be brought on-line quickly when a need arises. The time to locate, investigate, permit and develop a site is typically 3-5 years.

As a result, the MWMA undertook to locate and permit a special waste landfill as a "safety net" to be brought on line when the capacity is needed. MWMA first tried to locate two landfills near waste-to-energy facilities, as these facilities appear to have the greatest likely future need for disposal capacity. However, these attempts were not successful, and an alternative site was sought. Lincoln Pulp and Paper (Lincoln) owned land on Carpenter Ridge in T2 R8 that it had been investigating for a disposal site for its own special waste. MWMA entered into an agreement with Lincoln to purchase the land and then permit the site for a state-owned special waste landfill. This facility cannot be sold by the State to a private owner, but Lincoln has the option of constructing the landfill for its own use if the State does not construct the facility.

### **Site Description**

1500 acres in T2 R8 in Penobscot County (approx. 2 mi. from I-95). See maps.

34.5 acres needed for the disposal facility.

1.8 million c.y. of waste disposal capacity.

Estimated life is 18 years at 100,000 c.y. per year.

### **Economics**

\$3.5 million spent to date for site selection, investigation, purchase and permitting.

Total construction cost is estimated to be \$15 million, which may be broken into phases.

Project will be financed through revenue bonds issued for each construction phase.

Facility is planned to be financially self-sufficient with a tipping fee of \$43-65/c.y.

This revenue will cover development, operations, reserves, debt service and closure costs.

Current commercial tipping fees range \$44-95/c.y.

### **Development Permits**

LURC zone change for 120 acres from General Management to Commercial & Industrial Development -- LURC approved the zone change on October 19, 1995.

LURC Development Permit application pending.

DEP Solid Waste Facility License application pending

### **Policy Recommendations**

The Task Force reviewed information gathered by the SPO on special waste generation and disposal capacity in Maine (see Appendix C). Based on this information, the Task Force discussed how to decide when to construct the Carpenter Ridge facility. This discussion led to the following recommendations:

**At this time, the State should take no further action to develop this facility beyond obtaining the permits from Department of Environmental Protection and Land Use Regulation Commission.**

The information gathered by SPO shows that the State has enough permitted capacity at existing facilities to meet our special waste disposal needs for about seven (7) years (until 2003). In addition, there is expansion space available at these facilities that is potentially permissible that would provide over 10 additional years of disposal capacity at current disposal rates.

Since the Carpenter Ridge facility is not needed in the near future, the State should maintain the LURC development permit and the Solid Waste Facility License, and then monitor disposal capacity in the State until a need for the facility is shown. The permits may have to be renewed if construction is not started within two years which may require some additional expense.

**The decision to construct the Carpenter Ridge landfill should be based on a clearly foreseeable need for special waste disposal capacity.**

The Carpenter Ridge facility should be viewed as a safety net to be used only when other disposal options are not available. As recommended below, the SPO should report to Legislature every two (2) years on the statewide generation and disposal capacity for solid waste (see recommendations for commercial landfill policy). It is estimated that it would take about two years to construct the facility, so the decision should be made when information shows that available disposal capacity will be filled in three (3) years.

Existing State law does not have any requirements or criteria to determine when the facility should be constructed. New legislation would be needed to add a requirement that a decision be made on Carpenter Ridge on the timetable recommended above. Otherwise, the SPO and the Natural Resources Committee can take this recommendation as guidance instead of legislation.

**The State Planning Office should decide whether the Carpenter Ridge facility will be constructed, and then obtain legislative authorization for construction.**

The State Planning Office should make the decision on how to meet the disposal need for special waste, as outlined above. If SPO decides that Carpenter Ridge should be constructed to meet this need, SPO should submit this proposal to the Legislature to get authority for the construction. However, if the Legislature does not act on the proposal before a date certain, the construction should be deemed authorized.

Current State law does not require legislative authority to construct the facility. New legislation would be needed to add this requirement. This provision is included in the proposed legislation submitted with this Report (Appendix E).

The Carpenter Ridge facility should be considered as a disposal option for other types of waste, except hazardous waste.

The Carpenter Ridge facility is currently designed and being permitted to accept only special waste. If a disposal need arose for other types of waste, this facility may provide an option to meet this future need. However, the Task Force does not recommend that hazardous waste be disposed at this facility because there is a deed restriction on this use of the property. The Committee should be aware that the siting and operations requirements will differ for each waste stream which would require new permits for the facility.

**SPO should not be responsible for constructing and operating the Carpenter Ridge Landfill. This responsibility should be given to another state agency.**

Under current law, SPO is given authority and responsibility for constructing and operating the Carpenter Ridge landfill. However, the Task Force believes that SPO is not the appropriate state agency to perform these functions because it does not have the technical staff to supervise construction and operations of a landfill. The Task Force recommends that another state agency be given responsibility for constructing and operating the landfill after SPO makes the determination that the landfill should be constructed.

This change of authority requires an amendment of state law. This provision is included in the proposed legislation submitted with this Report (Appendix E).

## **II. State Policy on New Commercial Landfills**

The Task Force reviewed the history of solid waste management in Maine. This review included statistics on municipal solid waste and special waste generated in Maine and how this waste is managed (i.e. recycled or disposed). This information appears in Appendix C. The Task Force also reviewed the state and federal policies on solid waste landfills and interstate transport. Appendix D contains a summary of the proposed federal legislation to address interstate transport of municipal solid waste.

The Task Force then developed a list of interests that needed to be addressed by the state policy on new commercial landfills. These interests were made into criteria that were used to analyze policy options. The criteria were as follows:

Landfill capacity to meet statewide disposal needs for 10 years (MSW: 460,000 cy/yr;  
Special waste: 250,000 tons/yr)

Limit imported solid waste.

Foster the waste management hierarchy: waste reduction; reuse; recycling; composting; incineration; landfills (38 M.R.S.A. § 2101).

Minimize the cost of disposal for the greatest number of people

Consistent treatment of disposal facilities that have been or are being developed based on current policy (i.e. the ban is in place).

Public anxiety about unpredictable landfill expansions (numbers and size).

Encourage innovation in technology for waste management.

State control over the location of new landfills.

Respect environmental capacity of the state to accommodate additional landfills

The Task Force applied the criteria to the current policy which prohibits the licensing of any new commercial landfills. The Task Force found that the current policy met the criteria and no changes were needed at this time. The Task Force also considered the impacts of the policy on competition in the waste management marketplace as well as the benefits and costs of public and private ownership of landfills. This discussion and analysis resulted in consensus on the following recommendations:

**The current policy to prohibit new commercial landfills should remain in place without change.**

Since the existing policy meets the criteria established by the Task Force, especially the criteria for landfill capacity, no change in policy is needed at this time.

**The Legislature should direct SPO to convene a group of interested parties to clarify the definition of the phrase "expansion of a commercial solid waste disposal facility" as used in 38 M.R.S.A. § 1310-X(3).**

Under current state law, an "expansion" of a solid waste disposal facility may only be licensed if it meets certain criteria. The Task Force found that there is some confusion about the types of construction that might be considered an "expansion" of a commercial disposal facility. There are a number of interpretations for this phrase and the Task Force was unable to address this issue and reach consensus. It is therefore recommended that a group be assembled by SPO to recommend how this phrase should be interpreted or amended.

New legislation is needed to direct SPO to convene a group to address this issue. This provision is included in the proposed legislation submitted with this Report.

(Appendix E).

**The Legislature should direct SPO to report to the Natural Resources Committee at the beginning of the first session of each Legislature (i.e. every two years) on the updated information concerning solid waste generation in Maine; solid waste imports and exports in Maine; recycling rates; disposal needs and disposal capacity.**

This will allow the committee to stay abreast of the current state disposal needs that may require a change in policy. The Committee should understand that these updates will address statewide information only, and that there may be regions or municipalities within the State that have difficulty meeting their local disposal needs.

Current State law does not require these information updates. New legislation would be required to ensure that these reports are consistently made in the future. This provision is included in the proposed legislation submitted with this Report (Appendix E).

**The Legislature should direct SPO, or a task force assembled by SPO, to review the commercial landfill policy every five years.**

Even as there does not appear to be an impending disposal crisis, waste generation and disposal capacity conditions will change with time. A regular review of the policy should be coordinated with revisions to the State Solid Waste Management Plan required by 38 MRSA § 2122. SPO has submitted legislation to require revision of the Solid Waste Management Plan every five years instead of every two years. The Task Force recommends that the Legislature enact this provision in order to accomplish this policy review.

New legislation is needed to require that this policy issue is addressed during the revision of the State Solid Waste Management Plan every five years. This provision is included in the proposed legislation submitted with this Report (Appendix E).

### **III. Solid Waste Imports and Exports**

The SPO gathered information concerning imports and exports of solid waste for the past few years. The Task Force reviewed this information and believes it is reasonably accurate. This information appears in Appendix C.

The Task Force reviewed two Bills that are pending in the U.S. Congress that address interstate transport of solid waste. This legislation would allow states to limit the amount of solid waste imported to the State. Summaries of the pending Congressional Bills are in Appendix D.